

THE  
**LONDON FISHERY**

**L A I D O P E N :**

OR THE

**A R T S**

OF THE

**Fishermen and Fishmongers**

**SET IN A TRUE LIGHT.**

1037.61  
22

THE  
LONDON FISHERY

L A I D O P E N :

O R T H E

A R T S

O F T H E

Fishermen and Fishmongers

SET IN A TRUE LIGHT.



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**LONDON FISHERY**

L A I D O P E N :

O R T H E

A R T S

O F T H E

**Fishermen and Fishmongers**

S E T I N A T R U E L I G H T.

With some further Considerations, arising from the good Effect the Public has received by the Act of Parliament passed to prevent the FORESTALLING and MONOPOLIZING of FISH, and the Act for amending the same ; and shewing also how this Evil may effectually be cured.

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In a LETTER to \* \* \* \* \*

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By one of the TRUSTEES appointed to put the above Acts in Execution.

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L O N D O N :

Printed by D. HENRY, and R. CAVE, at *St John's Gate.*

M.DCC.LIX.

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( 2 )

T H E  
**LONDON FISHERY**

L A I D O P E N, &c,

In a LETTER to \* \* \* \* \*

S I R,

**W**HEN I had the honour of my last conversation with you, you will remember, that, among other things, we fell upon the subject of fish, and you was observing, how it still continued a general complaint, that there was no kind of provision, this great town was supplied with, in so sparing a manner, and at so dear a rate ; and that, during the last sessions, something was stirring about it, but you was not apprized of the merits, nor did you meet with any body, who seemed to have more than a superficial knowledge of the matter, and that you was greatly apprehensive, the thing was not well understood, nothing having been done conclusive in it ; and, as it might be brought on the carpet again, you seemed desirous of being informed, of the real cause why the publick was so ill used, in this particular.

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You

You know, sir, what delight it is to me, to do the least of your commands, I took the hint as directed to my self, and the more so, as you took notice of my being one of the trustees, appointed in the acts, for preventing the forestalling and monopolizing this commodity. I therefore resolved to employ my thoughts upon it, during a little retirement, and thus I beg leave to offer them to you. I fear you will find them but ill put together, so must rest on your candour in the perusal.

Before I enter on my subject, I must also beg leave to make an observation or two, on those laws which particularly relate to the punishment of offences against the publick, that, in framing of them, the penalties should be such as will make it dangerous to offend. The manner of convicting should be certain, plain, and easy, and the punishment should be speedy. Where the conviction depends only upon the proof of a single fact, and proof is made in the manner the law prescribes; this done, and the offender convicted, the punishment should immediately follow. In these cases appeal is too great an indulgence; such an offender does not deserve it; injuries, which the whole community feels, do not seem the proper objects of lenity. An appeal, in such cases, has seldom any other effect, than to delay that justice, which is really due to the people, often giving to the offender an opportunity, through solicitation of friends, to get the law mitigated, but oftener, wholly to avoid the punishment; we  
are



are so apt to be affected by the distress, under which we see an offender, though he has ever so much deserved it.

Another observation I would make with respect to these laws, is, that when they are at any time made, there seems something more necessary to be done, in publishing them, than is usual with us, and that the people are not sufficiently apprized of the tenor of such a law, and the consequence of not paying obedience to it ; the bare publication, by printing, not being sufficient. And that it is not agreeable to that openness and plainness, which is the character of our country, that with us, every one is supposed to know the law, from the time it receives the full sanction of the legislative power ; or, in other words, from the time of passing the act, and that, from that time, it is at our peril if we break it. I apprehend, the reason why this is grown into a kind of maxim, is, that although a man may by chance ignorantly offend, and thereby incur a penalty, yet it is better this should happen, than that the law should not be put in execution against an offender, without proof made, that he had first notice of it ; as the holding such a proof necessary, would be attended with such difficulties, as would render the law ineffectual. However, there might be some further means used, as in some special cases there are, to make these laws more public, when they are made, especially among the common people, who are the chief objects of it, and ought to be well cautioned and acquainted with it. I should think if the town clerk in every city, or corporation, and some

proper officer, in every market town, after passing such an act, was to have it sent them by authority, with order to read it publickly for a certain time, every market day, it might have the good effect I have mentioned.

There is, perhaps, no instance, where these laws and cautions, are more the concern of every individual, as well as those who have the care of the public, than such as relate to abuses, in the supply of our public markets with our daily food. Monopolies are injurious in all trades, but in none worse, than in those on which this supply depends. In this business of markets there is also another mischief, which generally attends that of monopoly, and that is forestalling; and, where these get a head, either by evil custom, or combination, it is high time for the state to look out and apply a remedy.

The article of food, which is the subject of this letter, is produced in greater plenty by nature, and easier to be got for our subsistence, than any other; and why the supply of it should be attended with scarcity and dearness at the market, is the surprize of every body. This seems to be owing to two principal causes; 1st, the arts and contrivances of those who are concerned in the fisheries; and 2dly, because our laws are either defective, and will not reach them, or we do not execute our laws, and so are remiss in punishing those who will not observe them.



It is remarkable, that the laws relating to fisheries are so very positive, and so much guarded by penalties, that one would think fishermen, and those concerned with them, required a more strict hand over them, than any other set of people ; and the old laws, whether they relate to fishery in general, or particular fisheries in particular places, make it evident, that these people were formerly as much inclined to set themselves against the law, tho' ever so necessary for keeping order among them, as they are at this day, of which no proof is wanting. And this I shall endeavour to make appear in the course of this letter ; and, for that purpose, not only consider the conduct of fishermen, and the dealers in fish, in former times, but also of those since, within our own remembrance, and likewise in the time present : To which I shall add some observations on two remarkable acts of parliament, made of late years, for preventing the forestalling and monopolizing of fish ; and of the necessity there was for making those laws, and the necessity there still is, to maintain and keep them in full force. And, lastly, I shall mention some particulars, wherein they seem to be still wanting, and will admit of amendment.

When I mention the article of fish, as the subject of this letter, I confine myself chiefly to the Fresh Cod, Lobster, and Turbot, and the other fresh sea fish, brought to *London* and *Westminster*, for the consumption of the town,  
without

without any regard to the salt cod, or other salt fish, or the great herring fishery, or the crab, oyfter, or other smaller shell fisheries, or the fishery of the river *Thames*; or any other fishery, subject to any particular laws or regulations.

But, first, to shew, that forestalling and monopolizing of fish, and enhancing the price of it, by combinations, and other contrivances of the fishers, or the first buyers of the fish, or both together, has been the practice of former times, as much as now; I shall look back as far as the statute of herrings, which was made in the 31st year of the reign of *Edward III.* the preamble of which suits so well my present purpose, that I cannot avoid giving it to you, in the words of the statute, as follows:

“FORASMUCH as the commons of the realm of  
 “*England* have complained them to the Lord the  
 “King, because that the people of *Great Yarmouth*  
 “do encounter the fishers, bringing herrings to the  
 “said town in the time of the fair, and do buy and  
 “forestall the herrings, before they do come to the  
 “town, and also the hostlers of the same town, that  
 “lodge the fishers, who come thither with their  
 “herrings, will not suffer the said fishers to sell their  
 “said herrings, nor meddle with the sale thereof, but  
 “sell ’em at their own will, as dear as they will, and  
 “give to the fishers that pleaseth them; whereby the  
 “fishers do withdraw themselves to come thither, and  
 “so



“ so is the herring set at much greater price, than ever  
 “ it was, to the great damage of our Lord the King;  
 “ of the lords, and of all the people ; wherefore, &c.”

Then follows the statute part, which is perhaps one of the clearest, plainest, and best framed laws for the purpose, and suited as well to its subject, as any one in the whole book of statutes. The regulations for buying and selling are so distinctly laid down, and the penalties so well adapted to the several offences, that it seems a good precedent to consult at this time. Here the price of fish is ascertained, and, if a higher price was given, punishment ensued. The buyer was subject to imprisonment at the king's will, and forfeiture of the fish; and for offences committed by the fishers, they forfeited the vessel, and all their chattels in them. It was also by this statute provided, that no hostler, or their servants, should go by land or sea to forestall herrings privily or openly, but the herring should come freely and unfold into the haven; and this was enforced, under the same penalty of imprisonment. By the same statute it may also be observed, that the supply of fish was an article of such consideration, that the Chancellor and Treasurer, with others of the King's council, were thereby specially appointed to ordain remedy, touching the buying and selling of fish, that the people might be better served, and the ordinances firmly holden.

By another statute of the same year, fishermen were restrained

restrained from discharging their fish at any other places than those mentioned in the act, and this also on pain of imprisonment at the king's will, and forfeiture of the fish. By a further part of the same statute, the prices of lobb, ling, and cod, were to be assessed before any sale made. No owner of a fish-ship, mariner, or other, was to impeach or resist the statute. And no fisher was to refuse to go on fishing as they used to do, upon pain of imprisonment, and to be ransomed at the king's will; and this punishment was inflicted, upon application to the sheriff, by any one who had cause to complain; and who, thereupon, had the king's writ issued immediately, to attach the offender and carry him to prison, there to remain untill the king and his council, as the statute expresses, ordained that right required,

In a former statute, in the same king's reign, the penalties for taking salmons at unseasonable times, were very severe, they were inflicted *gradatim*. The first offence was punished by burning the nets and engines: The second by three months imprisonment: The third, by a years imprisonment, and, as the trespass increased, so the punishment,

The old statute, as well as others since, not only shew how much this article of fish, was ever a favourite object; a favourite object I say, because it is, and ever will be the wisdom, policy, and interest, of every state to provide, at the easiest rates, for the people, whatever relates to their common



mon food, diet, or cloathing : but that the carrying on of this trade, was not to be kept in any order, but with a hard rein ; owing, no doubt, to the remarkable stubborness and disobedience in the nature of the people concerned in it. And here I must observe, that, in former times, there was no difficulty in bringing these offenders to justice ; the laws were strict and peremptory, the punishment was quick and exemplary ; easily and readily inflicted ; and that part of it, which consisted in imprisonment, had no mitigation but in the king's will ; and therefore very dangerous to come under it.

In process of time, fishermen finding they were so well watched, and marked by the public, and that they could not of themselves find the ready means to get the better of the law, took the fishmongers into their assistance, and let them into their secrets, this, as it often happens in such cases, proved fatal to them. The fishmongers soon got the power over them ; and, with respect to the public, out did the fishermen in all their arts, and became the greater aggressors ; and of this there is a remarkable instance on record, given us by Mr *Prynne*, in his comment of the 4th. institute of my Lord *Coke*. That in the year 1669, an inquisition issued against the fishmongers, for their buying and selling fish *contra provisiones et statuta*, and was directed to commissioners, to put the laws in execution against them ; upon which ninety-two were indicted, and compounded

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their offences with the king for 500 marks; and to this Mr *Pynde* adds this remarkable note :

“If fishmongers, and other regrators, hucksters, ingrossers of fish, and all sorts of victual, coal, fuel, and users of false, unsealed weights and measures, within and without the city, were thus proceeded against, and fined, in these extravagant times, it would bring in good store of money to the king’s Exchequer, and give much ease and content to the people, cheated and abused by them.”

Notwithstanding this exemplary proceeding, the fishmongers still went on in their abuse of the people, till it became again a public concern. And in the 10th and 11th years of the reign of King *William III.* an act passed to prohibit and put a stop to many of their notorious practices; the preamble of which act, expressing, like that of the statute of herrings, very significantly the occasion of making this law, I must likewise give you, as follows :

“WHEREAS the public wealth, honour, and safety of this kingdom, as well as the maintenance of trade, and support of navigation, as in many other respects, depend on the improvement and encouragement of the fishery; and *Billingsgate* having been, time out of mind, a free market for all manner of floating and salt fish, nevertheless divers abuses, evidently



" evidently destructive to that trade, have been of late  
 " years practised, by raising new impositions and tolls,  
 " and by forestalling of the markets, and other me-  
 " thods used by the fishmongers, in not permitting  
 " the fish-women, and others, to buy the said fish of  
 " the fishermen, to sell them again in *London* and  
 " elsewhere ; by which means the fishermen are ob-  
 " liged to sell their fish to the said fishmongers, at  
 " their own rates, to the great discouragement of the  
 " fishermen ; for remedy whereof, &c."

By this act, *Billingsgate* market was freed from imposi-  
 tions, and the fisherman allowed to bring his fish there,  
 paying only a certain small toll, in lieu of all others, as  
 mentioned in the act. And it was thereby declared to be  
 lawful for any one to buy or sell fish there, and for those  
 who bought, to sell again, in any other market, by retail ;  
 except, nevertheless, that none but fishmongers should be  
 permitted to sell fish in public or fixed shops, or houses.  
 After this, the act prohibits the bad practice of the fish-  
 mongers, as therein mentioned, and restrains them from  
 buying at the market any quantity of fish, but what should  
 be for their own sale or use, and not to sell it to any  
 fishmonger to sell again. Then follows a rule for the size  
 of lobsters, which shall be put to sale. And, for the bet-  
 ter encouragement of the fishery, it is provided, that no  
 fish (except those mentioned in the act) taken or caught  
 by foreigners, not Protestant strangers, and inhabiting

here, should be imported in foreign bottoms, under penalty of forfeiting the ship, with the tackle, and all the fish. I take notice of this latter clause, for the sake of keeping the penalty in remembrance, as I shall have occasion to touch upon this article of penalty hereafter.

One would have thought such an act would have kept the fishmongers in some order, and that they would have been forced to let the fish be sold fairly at market, without enhancing the price upon the people; but this was not to be the case. If they were to submit, they could not find their account in it; and, therefore, being now beat out of their old play, of enhancing prices at the market, they set themselves to work, how to contrive a method to engross the fish, and, by that means, govern the price before it came there. And, to bring this about, they first secured the fishermen, by contracting with them for their whole cargoes, and obliging them to stop at *Gravesend*, on their return from fishing, and not come up at all to *Billinggate*, as they used to do. When the fish was thus in their power, and stopt at *Gravesend*, a boat-load only was to be forwarded to market; the remainder of the cargo was shifted into a well-boat, or store-boat, under the care of some servant, to send it up by degrees, as the fishmonger directed; and, in this manner, the best sorts of fish were dealt out in small quantities, and great part left for a month, nay, five or six weeks, before the fishmonger has vouchsafed to order it to market, and frequently, in this

time,



time, has been so wasted, as to become unwholesome, and unfit to send or show there, and been often destroyed, to make room for new fish that has arrived. Thus the market was fed, and the fishmonger himself made the price there, as well as in his own shop. At the market this was managed, by the help of the salesman, a party in this scheme, whom I shall have occasion to mention more particularly hereafter. By these means the forestalling and monopolizing of fish was pretty well effected, and, to secure a continuance of it, fishmongers soon became owners, of fishing vessels, hiring fishermen to go masters, in those wherein they were sole owners, and gaining the direction in others, where they could be owners but in part. And, that they might have a succession of fishermen, well instructed in their own schemes, they obliged the fishermen to bind apprentices to them, as fishmongers, although the fishermen are a company of themselves, and have power to take apprentices, and always used so to do.

By these contrivances, so maintained and carried on, more or less, ever since the act of K. *William*, that good law was defeated; indeed, not in so great a degree, since the passing the two acts of parliament I have already, and shall often have occasion to mention, the first in the 22 d, the other in the 29th year of his present majesty's reign, for preventing the forestalling and monopolizing of fish. These acts have greatly prevented, and pretty well put a stop to such practices, and, if steadily adhered to, will, with a little further

ther amendment, effectually cure the evil. In the course of this letter I shall remind you of the particular objects of the legislature, in making these two acts, and give some account, how they have been observed, and what good effect they have had, and I shall likewise give you some account of the means that are now used, by the fishmongers, or fishermen, or both together, to get them repealed, or to render them otherwise ineffectual, as these laws begin to be very much in their way.

But, first, in order to throw somewhat more light upon our subject, I would detain you a little, with an account of the principal kinds of fresh sea-fish, the *London* markets are supplied with; the different places in which they are caught, how they are managed after, and before they are brought to *Billingsgate*, and how sold when they come there.

And, first, of the *Fresh Cod*, as being of the greatest consumption. This fish is caught, in almost all parts round our coasts; and when the fishing vessel returns from fishing, it stops as before observed at *Gravesend*, this is still suffered under the late acts; the first boat of fish, that can be laden out of it, is first sent to the market. The rest is also still committed to the well-boat, but must however, since the late acts, come to the market in a limited time, the whole cargo being now to be sold, in a certain number of days, to be reckoned from the vessel's arrival at the

*Nore*



*Nore*, from her fishing, and therefore the fish cannot now be left at *Gravesend*, till it is wasted and grown unwholesome, and great part destroyed, as formerly ; of which I have something further to say in its proper place ; however I will here take notice, that it is this fish with the lobster, and I will add the turbot, tho' this fishery is in other hands, that are, at this day, the chief objects of forestalling the market, and monopolizing.

In this cod fishery, there are not less than 100 vessels employed which, one with another, make ten voyages in a year ; a vessel for this fishery will cost 5 or 600 *l.* and sails with 8 or 9 hands, men, and boys, at 14 and 15 *s.* a week each. If a master fisherman is employed, he is allowed 20 *s.* a week. The repairing the fishing tackle is about 10 *l.* a year. Repairing the vessel, sails, and rigging, is reckoned at 40 *l.* a year. Other expences incident to the market, are, 15 *s.* for a boat from *Gravesend*, to carry up the fish. The Lord Mayor's dues is 1 *s.* 9 *d.* the toll for groundage is, as in the act of King *William*, and 5 or 6 *s.* a boat paid the porters for shoreing and lotting the fish. These articles, with the salesman's commission at 9 *d.* in the pound for selling the fish, include the whole charge, attending a cod fishing vessel, and the sale of the cargo, except the victualling.

In the second place, I shall mention the *Lobster* : This fish is caught all along the *British* Channel, and on  
the

the coast of *Scotland* and *Norway*, and on our coast of *Northumberland*. The fishermen out of cod season, go to *Norway*, and buy their cargo, and this they continue from *February* to *June* and *July*. The first voyage, they buy them at a penny a-piece, and the after-voyages at three farthings; of those under eight inches, from the eye to the tail, and those that have but one claw, they count two for one. The fishermen also go for lobsters to *Scotland*, and to our north coast, and contract with the fishermen there, for the season, beginning in *December*, and ending in *May*; and pay for them from 7 s. to 9 s. a score, having the like allowance for the small or single clawed, as in *Norway*. The lobsters brought in the spring, come to *Queenborough*, about 23 miles below *Gravesend*, and towards the end of the season to *Old-Haven*, about 15 miles below *Gravesend*. On their arrival at these places, they stop also, under the same regulations, in the new acts, as the cod at *Gravesend*, but, in shifting them from the fishing vessels, these fish are put into square trunks, called corves or hurleys, which are chests full of holes, sunk in the water, and fastned to the stern of some ship or vessel.

The third is the *Herring*: This fish has its abode, in the seas between the north of *Scotland*, *Norway*, and *Denmark*, from whence they come through the *British Channel*, as far as the coast of *Normandy*; from the middle of *September* to the middle of *October*, they are caught on the coast of *Norfolk* and *Suffolk*, near *Yarmouth*, *Leostaffe*,  
and



and *Southwold*, and, on the coast of *Sussex*, by the people there; and any one who will be a dealer, goes thither, with his vessel, yaul, or wherry, and buys a cargo of these fishers, and hastens to *Billinggate*, as fast as he can, and so continues going and coming, the whole season.

The fourth is the *Pilchard*; caught on the coasts of *Devonshire*, and *Cornwall*; these are bought and come to market as the herring.

The fifth is the *Sprat*, which is also caught every where upon our coasts, and is likewise bought and comes to market in the same manner.

The sixth is the *Mackrel*: These are taken also on our coasts in their season, about *June* off *Cornwall* and *Sussex*; this fishery being there most considerable: They are caught with a line, as well as by net, and usually in the night time, by the coasting fishers there, and are bought and come to market, as the herring, pilchard, and sprat.

The seventh is the *Haddock*; and to this I add the *Whiting*, both which are also caught on our coasts, nearer to *London*, and are bought and come up to market, in their seasons, as the last mentioned.

The eighth is the *Turbot*: This fish is caught by *Dutch* fishermen, off the island *Goree*, on their coast, and

they often stretch over for them to ours. It is therefore these foreign fishermen only, who, at present, supply our market with this kind of fish; and employ thirty or forty sail of veels in this fishery, and, one with another, make about five voyages each in a season, bringing from seven or eight, to fifteen or sixteen score in each, setting what prices they will upon them. These people follow the track of our fishermen, have their own salesmen, stop at *Gravesend*, and feed the market by degrees, but are obliged to do it nevertheless, under the regulations in the two acts. These people never sell but at extravagant rates, as every one knows, and when we go to the fishmongers for it, he never fails to enhance the price greatly in his shop; so that we never see it at our tables, but as a rare dish, that costs much more than it is really worth.

As to this article, it is not to be doubted, but if we would exercise a little patience and resolution, to abate our passion for it a while, and prohibit the *Dutch* from bringing it to us, we might encourage the catching of them by our own fishermen, on our own coast, where, I have been often told, there are sufficient to supply us. At present, it is pretended that our coast will not afford so good as theirs, and that there is an art, peculiar to the *Dutch* fishermen, in taking them (which is chiefly by the hook) that ours cannot learn; but these I look upon as *Dutch* diffi-



difficulties, and are to be overcome if *Englishmen* have a mind to it.

And now that I am upon this article of the turbot, I must not leave it without taking notice, that it has occasioned a special clause, in each of the two last acts. In the first, after reciting that by a former act, made in the first year of King *George* the first, intituled an act for the better preventing fresh fish, taken by foreigners, to be imported into this kingdom, and for the preservation of the fry of fish, and for giving leave to import lobsters and turbots in foreign bottoms, It was enacted,

“ That *no* bret, turbot, bril, or pearl, codlin, whiting, mullet, bass, plaice, soles, or flounders, which should not be of the several length or sizes, therein described, *should* be sold, offered, or exposed to sale, or exchanged for any goods, in that part of *Great Britain*, called *England*.”

It was now by a clause in this act, to prevent the forestalling and monopolizing of fish, enacted,

“ That fish, *although* under such dimensions as were so prohibited by the said recited act, *might* be exposed to sale, or exchanged for any other goods, provided such fish were taken with a hook, and so not fit or capable of being preserved alive, any thing

"in the said recited act to the contrary, notwithstanding,"

In this clause the turbot was the chief object, in order to bring the undersized fish to market, and the clause was allowed to pass, by those who favoured it, without much regard to the preservation of the turbot fishery, and who so approved of it only in hopes it might encourage the bringing of turbot, in greater plenty, to market, that we might have it at a cheaper rate, and, if this had been the consequence, there would now be little need to say much against it. But the market was not supplied with such plenty as expected, there came many more of the small than the large, and the large rose exceedingly in price, so that when this act came to be amended, this clause was, for these and other reasons in the amending act mentioned, repealed; and, ever since, the turbot has been, and still is, under the former rule; to be of certain size, or not to be exposed to sale.

The fishmongers, I am told, want to have this clause again in force; and therefore as this may come in question, it will deserve a little further consideration, and especially, if we should prohibit again the importation of turbot by foreigners, and encourage this fishery on our own coasts; and, in this respect, it may not be amiss to be apprized, of what might encourage or be injurious to it, as a turbot fishery,



ery, and even as the case now stands, and we are served by the *Dutch*; observations of this nature may not be unusefull.

At the time of passing the clause, it should seem to have been understood, that the small fish when caught (as they usually are) with a hook, and thrown in again, would not live; and, one would imagine it must have been material at such time to make it evident that this was the fact, otherwise the clause had not been proper; and yet, by the clause it self, this does not fully appear; the clause seems rather to show it was undetermined by the word several, "That several of the said fish taken with a hook, and thrown in again, could not be preserved alive."

Now as to this fact, I have been credibly informed, and have no reason to suspect my information; that in case these young fish can be released from the hook, without much wounding, there is no doubt but they will live, and will live also if they have gorged the hook, and cannot be released, and are let go with the hook; such fish having often been taken afterwards, with the first hook in them. This

gorging of the hook, seldom happens in taking the young fish, they are generally hooked in the mouth, and easily released; from all which, I think, there is good reason to believe the fact to be, that the young fish will live, if thrown in again, and that it was known to be so when the former act for settling the size of fish to be brought to market was made; and, that to throw the young in again would pre-serve

serve them, otherwise their being brought to market would not have been prevented, and, if it had not then been so understood and known, that act would not have passed, nor remained in force above thirty-three years before this clause made an alteration in it, nor would this clause have been afterwards repealed, as I have observed. And here I shall consider, a common objection against throwing the young fish in again; that the sea wants no such help; but this, I am well assured, by those who are judges in sea-fishing, is a mistake; for that on those coasts where any certain kinds of fish are usually caught, and are not fishes of passage, that the fishermen will not, or are not allowed to take the young, or in any manner to destroy them, if it can be avoided; because such kinds of fish, although they have the sea to range in, are known to keep within certain bounds, and breed, feed, grow, and improve there; and are there to be found and caught, with as much certainty as fish in a river, and perhaps with more; and, therefore, the same good rule should be had in preserving them,

This clause, which may be called the Turbot-clause, I remember well, was proposed by the fishmongers and salesmen, and brought in very late, and as late as could be before the passing the act, and was solicited with great importunity by those people, who well knowing this to be a costly fish, and would bear enhancing a price upon it, made it a great point, to promote the bringing all that  
could



could be caught to market; and, to this end, were forward to the utmost, in suggesting all they could invent, in favour of the thing; but, at the same time, nevertheless, carefully concealing what mischief the fishery itself would suffer by it. It is certain, that if the fry of fish is not preserved, but destroyed, the fishery, where this is suffered, will soon come to nothing; the chief supply at the market will be of the small fish; the good and large will soon grow scarce; or, what good fish comes, will not be had, but at an excessive price. If, therefore, we would have foreigners bring this fish in perfection, and in plenty to us; or, if we were to encourage this fishery on our own coasts, we should do all we can for preserving, or preventing, the fry of it from being destroyed. The excellency of this fish, it is well known, lies in its flavour and firmness, which is not to be found in those that are under the size allowed to come to market, the small ones not having this quality in them. Upon the whole, therefore, I think it will be found of greater use and benefit, to keep this clause repealed, as it now is, than to let it be restored, or put in force any more.

The ninth article, is that of the *Skate, Maid, and Thorn-back*. These are found in great plenty every where about us. The first of these was always esteemed and sold as a fish of the inferior sort; but of late, by the industry of the fishmongers, is come to be dearer than cod, and may, in a little time, with like industry, be brought

brought to the price of the turbot. The three sorts of fish above mentioned, with the *Sole*, *Flounder*, *Plaice*, and *Dabb*, are usually caught about the mouth of the *Thames*, chiefly by a set of fishermen called trawlers; who are always out on fishing, or bringing the fish to market, and make no stop.

I mention, as the tenth and last, that of the *Salmon*: This fish is said to be almost peculiar to our country, or if not, that we are however masters of the chief salmon-fishery in *Europe*; what supplies this town is caught on our own coasts, near the mouths of the rivers, and in the rivers themselves; the greatest part of this supply is from the *North*. Our *London* fishmongers contract for them at *Berwick*, *Newcastle*, and other places; from whence they are sent in baskets. They are imported from *Saint Andrew's* day to the eleventh of *May*. They are also imported from *Scotland*, fresh; besides what they pickle there and send up in kitts, being shallow hooped tubs, as we see them at the fish-stalls in the street to the amount of fourteen or fifteen thousand in a year. This in *London*, is rather a mere traffick than a fishery; under our present consideration; the price of this fish is guided by the contracts the fishmongers make with the fishers. It must come quick to market, because it will not keep fresh long enough to enhance the price of it at market, as the others I have mentioned, and it cannot be sent alive. The great plenty of this fish, now brought



brought to *London*, has lowered the price very remarkably, what this is owing to I have not learned, but believe there has been a greater call for it, on account of the dearth of other fish, and this has made the *Northern* fishers more industrious, and catch more than usual to supply us.

Under this head of *salmon*, I must also range the *salmon gelt*, or *salmon trout*, which is caught in the same places, and is also imported from the *North*, and bought by contract. This still keeps up its price, the fishmongers enhancing greatly upon it, as they can often sell it to their customers for fresh river trout, which is a rare fish at market, and always bears a great price; I am therefore apprehensive, that this being subject to imposition, more than other fish, the evil here will not easily be cured, and must be submitted to until a remedy be found out, unless the judgement of the buyer can guard him against it. I am told these fish do not, one with another, stand the contractor in above 6*d.* a piece. Their season is from *May* to *September*, and there has come to one contractor from 1500 to 2500 in a week.

Upon this short state of the *fresh fish*, with which our *London market* is supplied, we may remark, that there are but two kinds, which we have not wholly within ourselves; the *turbot* and the *lobster*; and of these the *lobster* we could certainly, on our own coasts, find sufficient for our consumption if we pleased, as I have already hinted

in that of the *turbot*, without being beholden to any foreign fishery whatever; we may also add to this remark, another upon fish in general, that there is no food of which we can have a more certain supply, or is less subject to scarcity; and, consequently, there is no food which we ought to have at a cheaper rate; and I will close this article with a reflection, which so naturally follows, that I cannot omit it; that, as the sea affords us this wholesome and necessary food, ready for our use, without the labour and expence, which attends the produce of the land, it greatly aggravates the offence, in those who presume to invent ways, for making scarce by art, what the great author of our being has, in the nature of things, provided without our care in such abundance for us.

I shall now take up my thread again where I left it, for the sake of this digression, and as I had brought my fish to *Gravesend*, I shall now pursue the course of it to market; and just repeat again, that the cod, lobster, and turbot, are the three kinds of fish that are stopt at *Gravesend*, and sent up to the market as the fishmongers think fit, and are the chief objects of complaint.

The market for the free buying and selling of fish, at present, is held only at *Billingsgate*, and is a daily market; and, being within the city of *London*, is under the comptroll of the Lord Mayor.



Before the passing of the two last acts, the fishmongers, in conjunction, used here to employ one or two persons, as their buyers, to take up all the best and choicest fish that came to market, and then divide it, by such lots or parcels, as was agreed among themselves. This, with the influence they had gained over the fishermen, gave them, as I have said, such power over the market, that it became notorious, that they bought at what rates they pleased; and, as soon as the fish came into their shops, enhanced the extravagant prices upon it, of which every one complained, and every one still complains. It is true, that the two last acts have, in a good measure, but yet not fully, put a stop to it; and this, as I go on, I shall further endeavour to explain. In the mean time, I must beg leave to observe, it would be the greatest reproach to good government, were such shameful practices and abuses suffered to reign longer among us, especially when it is considered, in what a narrow sphere the evil moves, and with what few hands it is carried on, to the manifest prejudice of every inhabitant of this great city of *London*, and under the eye of the legislature itself.

This market of *Billingsgate* opens at three and five o'clock in the morning, at different times of the year, and continues open till all the fish is sold, which may be in two or three hours, and sometimes more. When the fish comes to the market, where it is brought either in

small fishing vessels or boats, it is put into lots, or parcels, by porters, who bring it on shore, and place the lots on benches in the market, behind which the salesmen stand to sell; every salesman taking his fish, as consigned to him by the owner. The salesman sets the price to the buyer; of late years he is grown a great governor of the market, and is a buyer of fish himself, as the fishmonger was, to sell again to the retailer; thus making another profit to arise from the fish, before it gets to the consumer; by all which, it is easy to conceive, how much it is even in his power to enhance the price, and how much more so, if he is in combination with the fishmonger and fisherman.

Of these salesmen, there are not above eight or ten employed in the sale of all the cod and lobsters that come to market; and one or two employed by the *Dutch* fishermen, in the sale of their turbot. And of fishmongers, there are not above ten or twelve principal ones, who have shops worth notice, and who are the buyers of the best of the fish, and sell it, as has been mentioned. As to the rest of the fish, the lower fishmongers, keepers of fish-stalls, and hawkers, buy and take it away, but yet at no other rates than these governors of the markets will allow to be set upon it, and who are still first to be served with the best of every sort. Now, if the market was fairly supplied with all the fish that was really caught, and it was brought up directly from catching, without stop,



stop, and sold at the market without fraud, there would then be an end of forestalling or monopolizing of fish, and of all kinds there would be such plenty, as in general it must, and would be, afforded at reasonable rates; and the hawker then would be able to bring to your own door every kind of fish, as good, both in freshness and quality, as the greatest fishmonger in town.

As in all monopolies and forestallings, there are ever some pretences thrown out to amuse the public, and cover the iniquity, so it is in these before us. The parties principally concerned, and in the secret, would make us believe, that there is a necessity to keep back the cod, lobster, and turbot; for, if these were to be brought up directly from catching, there would be so great a glut at market, the fish would want vent; and then, in the intervals of the arrivals of fishing vessels, the town might be without a supply of such fish for some days. Now, in order to answer this, if it were true, which I do by no means admit, I would ask them, whether, if well-boats, or store-boats, were wholly prohibited, the fishermen might not, as formerly, send these fish, as well as others, on their arrival from fishing, directly up to market; and why the market should not be open all day long, to receive the cod, lobster, and turbot, in their seasons, as the mackrel, herring, and sprat, in theirs; and whether it would not be more for a fisherman's interest, to come up directly with their fish themselves, and stay 'till it be  
fold,

sold, and return again to fishing, without the delay, or the expence they now are at, of well-boats and store-boats at *Gravesend*, and of a man extraordinary to watch these boats, and send the fish up to market; and whether, if it were the rule to send the fish up directly, without stop, there would not be as constant a supply of the cod, lobster, and turbot, as now, and in much greater plenty; and whether several cod-fishers do not observe this, and make it their practice even at this time; and whether the cod and lobster fishermen, in case this was the rule, would not be always striving who should fish fastest, and bring soonest to market. And, as to the public, I think one may with reason hope, that they would be better satisfied, to be without a particular sort of fish, for a few days, as by accident it might so happen, than to have it perpetually at such an exorbitant price, that their table expences cannot but feel the weight of it. Surely all the other kinds of sea fish, and river fish, that are brought to market, would be sufficient for even the nicest palate to chuse out of, to supply the place of so particular, and so short an exigency.

As to their other pretence, that bringing these fish directly up will make a glut at market, and all would not be sold; I have as doubtful an opinion of the truth of this, as the former. The quick sale of mackrel, herrings, and sprats, which ever come in gluts, is a strong evidence to the contrary. They come in, in their seasons, from morning till night, and from night till morning; the



market is open all day to receive them, and all that come are sold. Neither fisherman, fishmonger, or salesman, knows what it is to send any back again, or to have them destroyed. Again, I would ask them how it comes to pass, that the market is never glutted with all the other kinds of fish, that come up without any stop or stay, and, as fast as it comes, it has vent. For my own part, I do verily believe, that if it was the rule for all fish to come directly up to market, that the fishermen easily might, and certainly would, conform to it. By the old statute, as I have mentioned, if the fishermen resisted the statute, or refused to go a fishing, as they had used, they were punished and compelled to follow their fishing. And, no doubt, but if any regulation was thought fit to be made, at this time, by which the fishermen might think themselves more than ordinarily affected, and should pretend to set themselves against it, the same power would exert itself again to bring them to order, though possibly not by the same means. The words of the statute were as follow:

“ That no owner of a ship, mariner, nor other,  
 “ make impeachment, nor be resistant, in any point,  
 “ against this present ordinance, leave or refuse to go  
 “ in fishing, as before wont to do, nor disturb any  
 “ covenant made between a merchant and owner of  
 “ a ship, upon pain of imprisonment, and to be ran-  
 “ somed at the king's will. And, that upon the same,  
 “ that

"that a writ be sent to the sheriff of *Norfolk*, that  
 "every man's complaint, that will sue for the king,  
 "or for himself, against those that in any point offend  
 "against this ordinance, he shall cause the said re-  
 "fisters and trespassers to be attached, and them de-  
 "tain in prison, till the king and his council have  
 "ordained of them, that right requireth, after the  
 "quantity of their trespass."

Now, to resume my subject, I must observe, that, for  
 a long time, the combinations reigned in this fishery, and  
 the bad use of well-boats and store-boats at *Gravesend*,  
 and stopping the fish there and elsewhere, in its way to  
 the market, continued; and other devices were set at  
 work, to the manifest injury of the public; so that, at  
 middling private tables, a good dish of fish was rarely  
 seen; and, even at the tables of the great, nothing was  
 more complained of, than the expence of this family ar-  
 ticle; and how to remedy it was the question. At length,  
 some gentlemen, who had taken a little pains to enquire  
 into the cause, soon found it was owing to the pernicious  
 practice already mentioned. And, after consulting with  
 some persons of eminence and authority, it was thought  
 proper to apply to parliament to redress the grievance;  
 and, for this purpose, in the first place, to put a stop to  
 the making of contracts between the fishmongers and the  
 fishermen; and then, to oblige the fishermen, when they  
 returned from fishing, to bring their fish up sooner to  
 market,



market, and to that end to dispose of their whole cargo, within some short time after, and to fix on some place for their arrival from fishing, from which arrival such time should commence. - By such a regulation it was judged that the whole that was caught, would the sooner find its way to the market, and cause a greater plenty of fish there, and, consequently, render it cheaper to the people; and the better to effect this, it was also thought expedient to open *another free fish market* at *Westminster*, under the like regulations as that at *Bil-lingsgate*, that the retailers might have two markets to go to, and use that they liked best, and might buy their goods nearer at hand and with greater convenience.

Upon the application to parliament, the act passed in the 22d year of his present Majesty's reign, for the purposes above mentioned, and several *members* of the house of commons, with others, were appointed *trustees* to put the act in execution.

By this act, these mischievous contracts being put an end to, and a new market appointed at *Westminster*, it was, with respect to the forcing the fish up to market, among other things, therein provided,

“ That if any fisherman should keep any fish in any  
 “ well-boat, or store-boat, or other manner whatsoever,  
 “ ver, so as not to sell off the whole cargo within

"eight days from his arrival from fishing, between  
 " *North-Yarmouth* and *Dover*, he should forfeit his  
 " cargo and vessel, on conviction before one or more  
 " justices, where the offence was committed."

And to encourage informations, half the penalty was  
 given to the informer.

Contrary to expectation, the act was found, after seven  
 years trial, not to answer the intention of the legislature.  
 Offences were notorious, yet no one brought to punish-  
 ment. There were several reasons for it; the distance  
 between *North-Yarmouth* and *Dover* was found to be so  
 great, that the arrival of the vessels from fishing could not  
 be watched; they could pass without notice, and, conse-  
 quently, the commencement of the eight days, in which  
 they were obliged to sell their cargo, could not be ascer-  
 tained, on proof of which, informations on defaults in  
 not selling within time, must have been founded, or o-  
 therwise there could be no conviction.

Again, the act directed, that the conviction of the of-  
 fender should be in that county where the offence was  
 committed. Now it was easy for them, as soon as they  
 had incurred the penalty, to shift out of one county into an-  
 other, and by this means also render a conviction al-  
 most impossible. And, upon the whole, it was found  
 impracticable to carry the act into due execution, especi-  
 ally



ally in this respect, without having their arrival watched, and appointing an officer for that purpose.

Thus the fishermen, finding the penalties in this act were, with a little management, to be avoided, looked upon it as a law that did not reach them, and therefore continued their practices as if such an act had never been made.

As to the new market at *Westminster*, the best means were used, the trustees could think on, to put this part of the act into execution, they soon provided the place, and, in order to open it with some assurance to the retailers, that it should be well supplied, many of themselves, with several of the inhabitants of *Westminster*, raised, by subscription, a large sum of money, for purchasing fishing vessels, to be employed solely, in fishing for the constant supply of this new market, but so great was the influence of the fishmongers, as well as the fishermen, and others below bridge, over those who were employed as masters in these fishing vessels, that, although they were bound under the strongest covenants and penalties, they broke through them all, some running away from their vessels, others neglecting their duty in their fishing, and others stopping short, and selling their fish at *Billingsgate*, and giving no account for the money. Thus the market was baulked in its opening, the buyers, who would have

kept to it, were, obliged to desert it, and, as to the subscribers, they lost the best part of their money.

These defects and miscarriages were at length represented to parliament, and, being taken into consideration, a bill was ordered to be brought in, to amend the former act, and the amending act passed for that purpose, which, with the former act, is the law now in force, to prevent the forestalling and monopolizing of fish. I shall now take notice of the principal amendments which were made, to cure the deficiencies of the former act.

First, for the reasons I have already mentioned, the *arrival* of the fishing vessels, was for the future appointed at the *Nore*, as well to make it more easy for the fishermen, to comply with the act, as to watch and ascertain the arrival.

In the next place, an officer, called the *inspector of the fishing vessels*, was appointed to watch their arrival, and to inspect their cargoes at *Gravesend*, where they stopped; and this as well before, as after the cargo was shifted into the well-boats or store-boats; that the act might be duly observed, and the fishermen kept to the limited time for disposing of their cargo; but as such inspector could not watch the arrival at the *Nore*, and be attendant at *Gravesend*, to inspect the cargoes and watch the disposing of them, without some further assistance,  
it



it was also provided, that every fisherman should, *within three days, after his arrival at the Nore, enter his arrival at the searcher's office at Gravesend.* This was a material point, as this entry was a record of the time of arrival, and ascertained it; and, in case the fisherman did not sell his cargo in the limited time, or was in the least suspected, the inspector, on searching the office, could take a note of the entry, and easily reckon the time upon him; and, if he found he had not sold his cargo within the time limited, he could with certainty make information, and get him convicted, which, without this entry, he could not do. And, therefore, as the entry was of such consequence, the due observing it was absolutely necessary, and was enforced with the like penalty on default, as in case the cargo itself was not sold in time, which was forfeiture of vessel and fish. It was also principally considered, to direct the entry to be made, where it was not only convenient for the fishermen, but for the inspector; and *Gravesend* being the only place to answer both purposes, as where the fishing vessels stopped, and the inspector had his station, and the searcher's office, that from the nature of it was open day and night, being judged the best place it could be fixed at, the entry was appointed to be made there. And as to the three days given to do this in, it was then universally allowed, that it was, as it certainly is, full time, nay more than sufficient for the purpose; and, even, if the fisherman does not chuse to stop at *Gravesend*:

end to enter, but go onward to the market, there is time enough for him to make his entry when he comes back.

The next amendment was, with respect to convictions, to render them more practicable than in the original act, which, as I have mentioned, confined them to the county where the offence was committed; and therefore this amendment *extended* the power of convicting to the mayor, recorder, and aldermen of *Queenborough* and *Gravesend*, where convictions might be most likely to happen, and the execution of the warrant to levy the penalty was extended to magistrates, in any corporation, between those towns and the city of *Westminster*.

And now that I have gone through the most material amendments of the first act, I beg leave to add what I well remember and know, That, in the forming and penning this amending act, there was no care nor pains wanting; and although, while it was passing, many fishermen and fishmongers attended the course of it, yet they did not oppose, or even object to any part, but, on the contrary, declared they approved the whole, and especially that amendment, which altered the place of arrival of the fishing vessels, and indeed the act itself shows this was partly done for their convenience.

I must



I must now, with some satisfaction, take notice, that ever since the passing this amending act, it has certainly been found much to answer the purpose. By shortning the stay of the fish at *Gravesend*, the public has certainly gained an advantage over these forestallers and monopolizers, and is better guarded against them, than it has hitherto been, which good effect is chiefly to be attributed to the appointing of the inspector, and the *check* he has by the *entry* of the fishing vessels arrival at *Gravesend*; and, if we keep but steadily to this, we shall pretty well prevent forestalling and monopolizing this provision; but, I beg leave to say, I think it cannot effectually be done, without a *total prohibition of well-boats and store-boats*, and obliging the fishermen to come up with their cargo, on their arrival from fishing, directly to the market. This would truly work a perfect cure of this evil, and bring the best fish in plenty to market. And, after it comes to market, if some further rules, which I shall take the liberty to mention, were observed there, I really believe this article of our common food will then be out of the reach of those base contrivances it has been subject to, and will not be made, artificially, scarce or dear any more.

The regulation I would propose, is in the manner of selling the fish, when it comes to *Billinggate*, and

in the business of the salesman, who is the fisherman's agent, to dispose of his fish there; and that he be made a disinterested person, between the seller and the buyer; and to this end, I would propose, that the prices of the several sorts of fish, when extravagant at market, should be ruled, from time to time, by some proper authority, like that, for example, which governs the price of bread. I would also propose, that the buyer for retail should, for his better conduct, be able to inform himself, without asking questions, of the quantities and kinds of fish, which should be brought to market every day, before the market opens; and, if the prices are raised without authority, that the salesmen should be amenable to justice, and answer for it. These things, I apprehend, are so essential, that they, or such like, will be found necessary to be added to what is already done, if we will compleat the work I have before mentioned.

Before I enter on the subject of amending the present acts, I must inform you first, what effect they have had on the fishmongers and fishermen already.

On passing the first act I will repeat, that the pernicious trade of contracts between them ceased; and, on passing the second, by which the arrival of the fishing vessels could be ascertained, and convictions more easily obtained, if the cargo was not sold in the  
 limited



limited time afterwards, the fishermen, and other masters of fishing vessels, were soon obliged to pay obedience to it. In the first year were made 880 entries, and, in the second, after a conviction or two, were made 1349. The price of cod has since manifestly abated, as well as other kinds of fish, and a greater quantity of all sorts is now brought to market than ever was known, and, had it not been for the war, which is, no doubt, a great hindrance to the carrying on this, as well as many other trades, that depend on navigation, we should have still seen a better effect from these two acts.

Such are the proofs of the good effects of the two acts, and yet there is one I have yet to mention, that is a greater evidence than the rest, which is, that the fishmongers and fishermen, finding they are in danger of being defeated, in carrying on their contrivances any longer, and that it is not now an easy matter to evade the law, are setting themselves against it, and have lately made an attempt of such a nature, that, had it met with success, I am well satisfied, would have been attended with that consequence as to render all that has been hitherto done, of no effect.

Now, as they may venture to try again, I shall examine the complaints, upon which they hope to raise an opinion, in those who listen to their tale, that

they are really objects of compassion, and deserve some relief; for it is with great caution any regard must be paid to what they call hardships and inconveniences.

“First, they complain, that their being obliged, to  
 “make entry of their vessels at *Gravesend* is a delay to  
 “them, and often occasions the loss of a tide, before  
 “they can arrive at *Billingsgate*.”

In answer to this, I shall first repeat, in few words, what I have already said in another place, that the three days allowed for this entry is time sufficient to answer all purposes, and to guard against all common accidents, but no time will be sufficient for him, who wants to evade the law. In fact, his objection is not real, he wants to have the law itself out of his way. Now the fishermen well know, that when they return from fishing, and fear the loss of the tide, they need not stop their vessels, or stay themselves to make this entry, *the act does not require it*; they may pass on directly to market, and make their entry when they return, or, if they do not return themselves, order any waterman or boatman, that is employed by them, who does return to do it; and such opportunity is never wanting, or, if it were, they might send any one that belongs to them on purpose to do it, and this is actually now the practice of those whose vessels *come through* to market: and, as to those which  
 stop



stop at *Gravesend*, they have no share in this pretence ; so that this complaint can have no real foundation.

“ Another great complaint is, that it has happened, that a fisherman has gone to make his entry, and has not found a clerk at the office, and has suffered, because he could not make it within time.”

As to this, it depends upon a fact that cannot be proved but by sufficient and impartial evidence ; not by the man alone, who pretends to be a sufferer by it. The clerks who belong to the office should be strictly examined, and, without such evidence, and such inquiry, such fact is not to be allowed. In the mean time, the probability is against it. It is well known, that, as this office is a place of continual resort, it is open night and day, as already taken notice of ; has four clerks attending the duty of it, and a bed is set up in the office, for the clerks to take by turns their rest there, that constant attendance be given. Besides, if it should so happen, that no clerk should be in the office, at the time a fisherman might come or send to enter, must not they do as at all other offices, stay a little, till the clerk comes ; or, if in haste, go or send to the clerk ; they all live at hand, and are, and must be, within call. It is also well known to be an office of too great trust, not to be well attended. Remissness here could not be endured ; and, if there was any real occasion to complain of that in our case, the

trustees would immediately represent it to the commissioners of the customs, it would soon be rectified, and no really innocent offender would suffer by it : But I am pretty well convinced, from what I have heard as to this matter, that the pretended cause was first contrived and settled, in order to form and support the complaint.

“ The next complaint is, that the forfeiture of the  
 “ ship and cargo, being very heavy, discourages the  
 “ fishing trade, and hinders adventurers from being  
 “ concerned in this kind of shipping ; and that such  
 “ owners, who employ master fishermen to fish for  
 “ them, and have the conduct of their vessels, run  
 “ risque of losing their vessels, if these masters neglect  
 “ to enter their arrivals, and so the owners may suffer  
 “ for the neglect of their servants, and, especially, as  
 “ they are ignorant and illiterate persons.”

In answer to the first part of this complaint, I believe this is the first instance, where the law having subjected the ship and cargo to forfeiture, that it was said, the owners of shipping property were discouraged by it. If it were really so in our case, at this time, but of which I have great reason to doubt, as more shipping has been employed in the *London* fishery, since passing the two acts, than ever was known ; might it not more reasonably be imputed to a national cause, I mean the war, which may have an effect upon this trade as well as others. If  
 this



this penalty upon ship and cargo was really a cause of discouragement in this, will it not be found the same in other shipping cases and interests? but that it is not so in any case, will evidently appear from the constant usage of parliament, in making laws that relate to trade, where shipping is concerned, which are commonly enforced by the like penalty, and, in particular, those heretofore made, some of which I have mentioned in the cases of the fisheries themselves; and yet this, it seems, was never found out to be a discouragement before. As this penalty, therefore, is no new thing, and has been the rule in former times, we shall not, I hope, be ever persuaded to waive it upon such suggestions, and especially for the ease of forestallers and monopolizers of our daily food. In the act for making *Billingsgate* a free market, there is a penalty of like forfeiture. In passing the two last acts, it was never objected to; so that, I believe, on the whole, I may safely deny, that this penalty is heavy, or discourages any who chuses to be concerned in the properties of shipping, but particularly those in question; and, indeed, it would have very unlucky consequences, should it be so; for, as our ancestors found in their time, so we may manifestly find at this day, that such penalties are the only security the public can have against such offenders.

As to the second part of this complaint, I answer, that if a man commits an offence against the laws by his servant, he must himself answer for it, and make the  
public

public satisfaction ; and if he himself only suffers by it, he must lay the fault, where it is due, upon the servant, and upon himself that employed him. Otherwise, he might evade the law, by making his servant commit the offence, while he himself, the real offender, by pleading the servant's act for his excuse, would escape free ; and therefore it does not seem possible to make any distinction between the master and servant in such a case. And, in answer to their pretence, that it is a hardship for masters to be subject to the penalty, if their servants should not duly enter the arrival of their vessels, as being ignorant or illiterate persons, I must further observe, that a fisherman is generally understood to be one who fishes for himself, on his own account, conducts his own vessel and business by himself, and those he carries with him for his assistance, and is not necessarily obliged to do this by others ; and, therefore, if the fisherman, instead of going himself, hires another to go and fish for him, this is at his own peril and election, and must be at his own risque. There is a much worse case than this, which is the case of principals in public offices, where business must necessarily and chiefly be done by others, and yet there this risque must be submitted to.

As to the servants being ignorant and illiterate, this does not alter the case in the least. Besides, the law here is so plain, that, in fact, it requires you to do no more, than is within the capacity of a child, and that, if what



is to be done, is not done, such is the consequence. Now, it is hardly to be believed, that any servant, let him be ever so ignorant or illiterate, is not endued with so much common understanding, as to follow his master's directions, to do so plain a thing, and avoid the consequence.

Therefore, as to his capacity, we must not suspect it; and, as to neglect for want of care, it is not easily to be conceived, that such a fisherman, whose vessel may have cost from three or four, to six hundred pounds, would put any servant into such a station, and not only trust him with his fishing, but the conduct of his vessel too, and yet could not depend upon him, to go with his boat ashore, on his return from fishing, and give notice that he was arrived; or, if he did not go himself on this easy errand, to take the next common care to send somebody to do this for him. Now, if this is not done, it is plainly owing to neglect, or wilfulness; and surely the law, in this case, is very clear from causing any hardship; however, the case itself has never yet happened, nor is it likely it will, and, therefore, if this complaint had any reason in it, there is yet no reason for it.

I am told, that when the fishermen exclaim against the penalty upon the non-entry, as they suspect it will never be given up, without substituting something by way of compulsion in its room, they propose to have it changed,  
into

into a small pecuniary one of 20/, or some such sum, and, lest that should be too heavy upon them, to clog even that with the liberty of appeal, and, not content neither to stop here, would also have all the penalties in the two acts likewise subject to appeal. In the first place, such a pecuniary penalty is in no wise adequate to the offence; and, as to liberty of appeal, I have said something, I hope, not unworthy to be noticed on this head already; and I shall here add, that in this, or any of the cases of the other penalties, the consequence of allowing appeals will certainly be, that, as the fishermen and fishmongers, are now setting themselves against the law, every offender will be litigating the conviction, to make it expensive, till the prosecutor gives it up, for which purpose, one may also suppose, a common purse will not be wanting. And thus two or three convictions, expensively and stubbornly, litigated, puts an end to informations, and then this law soon becomes a dead letter. And therefore, it is to be hoped, that without better reasons than they give, it will not be found good policy, either to alter the penalty of forfeiture, and make it a penalty of money, especially for so trifling a one as I have mentioned, or for a larger, without staying ship and cargo for the payment of it, Or to allow the liberty of appeal at all. An appeal is still making matters worse, and of this we may be pretty sure, especially if we do but reflect, that, in these laws against fishermen

espe-



especially there is scarce an instance, where a penalty is attended with liberty of appeal,

The last article of complaint that I have heard of, is that the 2s. paid at *Gravesend*, on entring the arrival of the vessel, with the additional charges in delaying it for this purpose, is a great weight upon the fishermen, and enhances the price of these provisions.

As to this, it hardly deserves or requires any answer, and may be left to the consideration of the smallest capacity, whether 2s. upon a cargo of fish, that is in value from thirty to fifty pounds a voyage, can be a weight upon the fisherman, so as to make any difference in the price of the fish at market, or whether it can be fairly increased, by the fisherman's only going a shore, or sending a servant to a public office, to enter his ship's name, and the day of her arrival. Here is no occasion for any expence. If he pleases to regale himself, would it not be a little extraordinary, that this should be put to the account of the public? And as to the addition which may be made, for the damage the fisherman sustains, by delay of his vessel for making this entry, enough has been said to shew the fallacy of that pretence, and that no damage can ensue by it. It is needless therefore to repeat it again, but only take notice, that the act *requires no stop for that purpose.*

To give ear to the complaints of the fishermen, in order to amend the act, which is their present scheme, would be taking a long step towards rendering this law of no force; and therefore there is a great occasion to be wary at a time, when those, whom a law has been purposely made to keep in order, make proposals themselves to amend it.

Complaints of this nature show, beyond all doubt, where the shoe pinches; and this is still more evident, if I may be allowed to say so, by what they propose as a remedy. The question then is, whether a remedy is requisite, and, if it is, whether what is proposed is proper.

It is plain, the great obstacle in their way, is the entry; and to make it no check, and therefore of no use, is plainly the point they have to gain, and to this end, propose by way of amendment, or rather under colour of amending the act, that the place of entry should no longer be at *Gravesend*, but appointed at *London*, under the pretence already mentioned, and answered, that it is a damage to them to stop to do it at *Gravesend*.

Now, I will endeavour to show, that this is contrary to the meaning and spirit of the two acts, and, if suffered to take place, will absolutely defeat the intention of them both.



If the entry is made in *London*, and the inspector's station at *Gravesend*, as it must be, How will he be able to have recourse to this entry, when he has occasion, as he perpetually has? How can he, on any suspicion, after the fisherman's arrival, consult it, to see that he has entered his arrival duly? How can he have immediate recourse to it, on any suspicion of further default? As where the fisherman is long in disposing of his cargo; or, upon any private intelligence, how will he be able, as he ought, forthwith to compare it with his entry, and detect the offender, or make himself capable of properly informing against him, and getting him convicted? Must the inspector take a journey to *London*, for every of these purposes, when he wants to search the register? Must he then quit his watching the arrival of the vessels, and taking care that the cargo is disposed of, in the time limited by the act, which was the chief end of the appointment? Can this absence be allowed? Will not the delay, in going and coming, upon all such occasions of search, take up so much of his time, as to render him absolutely incapable of doing his principal duty? I believe you will agree with me, that it is impossible it should be otherwise. Thus, therefore, the appointing this entry at *London* will effectually take away the check upon the fishermen at *Gravesend*; where it must be, and is, the means of forcing the fish to market. The entry at *London* is no check at all, nor can have any use in it; *London* is the market itself,

a record there of the fisherman's arrival from fishing at the *Nore*, which is wanted perpetually to be consulted by the officer who must be at *Gravesend*, can serve for nothing at *London*, but useless observation. How is it possible, that one inspector can look after so many arrivals, and watch the disposing of the cargo, and be able to keep account whether it is disposed of in time, without the assistance of this entry, at the place where it is, and was to be appointed, to ascertain the arrival of the vessel? And are we not, as soon as this check is rendered useless, as much at a loss to ascertain the arrival, although the place of arrival is now brought nearer the market, as before the act was amended? And was not this the very defect in the first act, and the cause, why the fishermen paid no obedience to it? What then must be the consequence of entring the arrival of the fishing vessels at *London*, but to render ineffectual that law, of which the entry at *Gravesend* is the chief support and security. I take it, this will be the case; and, if such an alteration should be admitted, as an amendment, I think there is an end of the compulsion of the fishermen, to dispose of their cargo in the time limited by the acts, in order to force it up to market, and they will be let loose again, from all the restraint that is upon them. This entry at *London*, may serve to answer some other purpose, but, never I fear, tend in the least to prevent the forestalling and monopolizing of fish. I could add more on this head, but hope what I have now, and before mentioned, will



will be sufficient to convince you of the ill consequence it will be to the public, to remove the place of entry from *Gravesend* to *London*; for, let the penalties be what they will, there will be no convictions; and the force and the use of them will then be lost. I will now leave this point with a remark, which before I have urged, That it is not a complaint, arising from any real objections to any part of the two acts, about which these fishermen stir themselves, but their private and partial objection against the whole, because it seems likely to keep them in order, and the public, from being abused by them.

I have already hinted, that although the last acts have greatly answered their purpose, that, for the better guarding against the forestalling and monopolizing of fish, there seems yet something wanting; and that it may be expedient again to amend these acts. But, in doing of this, I am really under the greatest apprehensions, that, if the entry should be removed from *Gravesend*; the penalties lessened or changed for pecuniary ones, which should not be adequate to the offence; or if the vessel and cargo should not, in such case, be held for payment; or if liberty of appeal is allowed on convictions; there will be at once a fatal end put to the good effects the public has already received by this law, and a full stop to any hopes of future benefit from it.

Now,

Now as nothing of this kind can escape your notice, I beg leave to be a petitioner to you, in this case, that you will be so good, as to make it a point with yourself and friends, to give a serious attention to any attempt which may be made to alter this law, and, especially, under colour of amending it; and to this I must add, for your further consideration, that I could wish the trustees, who have taken a great deal of pains to carry these acts into execution, might be consulted, with respect to such amendments, as would be really necessary; and that the fishmongers and fishermen might not meet with any encouragement, in making proposals for this purpose, without first acquainting the trustees with them.

I will now also submit to your consideration, those things which have occurred to me, and seem wanting, as I have mentioned; and to be expedient, as well as necessary, to make these acts have their full effect, in which I will confine myself to two principal objects; the one is the manner of selling the fish at *Billingsgate*, and how to prevent, if it may be, the enhancing the price there. The other is, the establishing the new market at *Westminster*.

And yet I must first submit one material thing to your consideration, on this head of amendment, and which, I believe, will also be of great use in preventing monopoly and  
forestalling



forestalling, besides what I am now going to offer. That is, to make it penal for any fishmonger to be owner, or part owner, or mortgagee, of any fishing vessel, or any part of a fishing vessel, for the future; as the vesting themselves with these properties will always give them power over the fishermen, and make them subject to their measures.

First, therefore, as to the manner of selling the fish at *Billingsgate*, and how to prevent, if it may be, the enhancing the price there, I would propose,

That the *salesman* should be appointed by special authority: Those at *Billingsgate*, by the Lord Mayor of *London*; and when there is a market at *Westminster*, as in time there may be, the salesman there to be appointed by the trustees; and that the conditions and circumstances of these salesmen should first be enquired into, that they might be persons of good character, and not over necessitous, and that they should not be deemed qualified to act, as such, if they had any share, part, or interest, in any fishing vessel, or were concerned in any contract, either with fishmongers or fishermen, for the buying or selling of fish; and if afterwards they should be interested or concerned in these things, they should be subject to a severe penalty. They should also be prohibited from having any property in any fish bought or sold at the market, and from buying or selling any kind of fish, on their  
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own

account, to sell again; and if any person should take upon him to act as a salesman, without the authority I have mentioned, such person should be subject to some exemplary punishment. I would also propose, that their pay should be fixed at a certain rate, according to the quantity of fish sold, whether by lotts, weight, or tale, and not as now, on its value by the pound sterling; and, thus qualified and appointed, to be admitted to act in the office of a salesman, under an oath, that they will sell faithfully all fish that shall be entrusted to them, at the fair market or lawful price, without favour or affection, to any buyer whatsoever.

By these means, perhaps, salesmen might become indifferent persons between buyer and seller, as they would be disinterested, and it would keep them from uniting in any combinations with the fishermen and fishmongers.

I would also propose, that the *cod*, *turbot*, *skate*, and *thornback* of the larger size, and which should be ascertained by their length, should be sold at *Billingsgate* by weight. The fishmonger, in his shop, always enhancing his price, according to the largeness of the fish, and greatly exceeding what he ought,

That the *salmon gelt*, or *salmon trout*, and all the smaller *cod*, *turbot*, *skate*, and *thornback*, be sold there,  
by



by piece or by tale. But these in the fishmongers shops also by weight.

That a better price should be allowed at the beginning of a season than afterwards.

I would also propose, that the daily prices of fish at *Billingsgate* be kept and entered in a book, and published, by which means the public, as well as the retailer, might make a judgement, whether the prices exceeded what was usual and reasonable, and, in case they did, that a proper power should be lodged in the Lord Mayor of *London*, for *Billingsgate*, and, in the trustees, for the market at *Westminster*, to call the salesman before them, and examine into the causes of it, and, if owing to any undue practices, to find out and punish the offenders.

I would next propose, as a guide to the retailers in buying at *Billingsgate*, that every master of a vessel, or boatman, as soon as his vessel or boat comes up to the gate, and fastned, to give an account to the overseer, or officer, attending the market, of the name of the owner of the fish, the salesman it is consigned to, and of the several kinds and quantities with which such vessel or boat is laden; and, if more boats than one from one owner, to distinguish every one in the same manner. This account to be entred by the overseer, in a large legible hand, upon a large sheet of paper, to be fixed in a frame, and set up

in the most conspicuous place in the market, every morning before the market bell begins to ring ; and that any entry may be made in it afterwards, though, if any more fish comes to market, it is in favour of the buyer, and will lower the price, and not raise it. By this method every buyer, at one view, may know what kinds and quantities of fish are brought up for the day, and may conduct himself accordingly. If this were made the rule, it would be necessary, I think, to set a penalty on the master of the vessel, and boatman, if they omitted to give the account, or gave one that was not true ; and on the fish-porters, if they lotted or shored any fish, from any vessel or boat, or served any salesman or other person with it, before the account of it was so given and entered. This fish table being divided into columns, according to the different heads, would make it very plain and easy to be understood by every one, who wanted to consult it.

I have now done with this general head for the better regulating the felling and buying of fish at *Billingsgate*.

In the next place, I proceed to the other, relating to the new market at *Westminster*, which I must, however, introduce by giving you a short account of what has been done in that respect, pursuant to the act by which it was appointed.

By



By the act, the commissioners for building *Westminster Bridge* were authorized and impowered to make a grant of a piece of ground near *Canon-Row*, to the trustees of the market, conveniently situated for it, and a grant was made accordingly, and the trustees immediately set about the opening of the market; and, for this purpose, being enabled to raise money on the toll, they accordingly raised a sum sufficient, in the first place, to pay the charges of the passing the act, and then to erect shops, and fish-stalls, and other conveniences for holding the market. And, as before taken notice of, although the best endeavours were used to establish this market, they yet failed of success; no toll arose, so this debt, in a few years, from the non payment of interest, considerably increased. At length, the trustees finding little prospect of any money arising from tolls, and an offer being made, by a builder, to erect houses fit for fishmongers, on a part of the granted ground, where it would be no hinderance to the after-holding of the market, and to pay a reasonable ground rent; the trustees accepted the offer, and granted a building lease for sixty one years, reserving a ground rent of sixty five pounds a year. Soon after this, the amending the first act came under consideration; and, by the amending act, a clause being inserted, to prohibit the sale of fish within 500 yards of the market place, and this having occasioned the removal of a settled fishmonger in *Bridge-Street*; it was therefore provided, that the trustees

should pay him two hundred pounds, as a recompence for his loss and damage. Upon this the trustees were enabled, by the act, to raise a sum of money on the ground rent, as well to satisfy the old mortgage of the toll, as to pay this two hundred pounds, and other incident charges, which had necessarily happened; so that, at present, there subsists a debt upon this security, unavoidably incurred, to the amount of one thousand pounds principal money, the interest of which, at the rate of four pounds *per cent.* is paid out of the ground rent, and the remainder is barely sufficient to pay the clerk.

By the amending act, the 2*s.* duty on the entry of the arrival of the fishing vessels at the *Nore*, as before mentioned, is an accountable duty to the trustees. Of this, six-pence is paid at the searchers office at *Gravesend*, for making the entry, and granting the certificate; and the remaining one shilling and sixpence is paid to the trustees, to answer the charge of the inspector. What this may produce, cannot yet be judged; hitherto it has not been sufficient fully to satisfy the inspector; so that any surplus from this quarter is very doubtful, what it may amount to.

These things being known, as well as the difficulties the trustees met with, in their endeavours to establish this new market, it remains then to consider, whether they may not be surmounted, and guarded against, for the future.



The place appointed for holding this market is on the east side of the foot of the new bridge, very commodious, by its situation, for serving all the fishmongers and hawkers of the city and liberties of *Westminster*, and all the westward parts of the town. There is a large flight of stone stairs from the water-side, leading up to a broad spacious wharf above, for landing and selling the fish. The houses before mentioned, which were to be built under the trustees lease, have been built, and fitted up for fishmongers to sell fish in by retail there, and are contiguous to the market-place ; so that as to conveniences for holding the market, there seems none wanting. The constant recourse of fishermen to supply it with fish is the point ; and, if by proper encouragement, this could be gained, so that the retailers might be sure of being served, when they came here, there is no doubt, but this would be a market, and the fishermen would have vent for all they brought

And to this end, I should, in the first place, propose, that the trustees might have power to make rules and orders for the good government of this market, and to appoint one or more persons, as they found necessary, to over-see it, and take care such rules and orders were duly observed. I would also propose, that, in case of disobedience, power also might be given to one justice of the peace, on the oath of one witness, to convict offenders in some small penalty, or

send them to the house of correction, and this without appeal.

In the next place, I would propose, for the special encouragement of the fishermen, that they should be eased in the toll; and that the trustees might be impowered, to wave such part of it, for such time, as they should find expedient.

And as, I fear, there have been many secret engines set to work, to hinder the fishermen from using this market, particularly those who were under contracts with owners of fishing vessels, bought and employed on purpose to supply it, as before mentioned, and in which those enemies to it have too well succeeded, partly by threats, and partly by corruption; I would also propose, as a kind of protection and guard to such fishermen, and an encouragement to such owners; that, in case any person disturbed or molested the fishermen in their fishing, or on their arrival from fishing, or while they remained in any station, or in their way with their fish to market, or in their return to fishing again, or disturbed or molested their boat-men, or any other their servants, or dissuaded such fishermen or their servants, by threats, money, or offers of money, or by any other undue ways or means, from bringing the fish to market, they might be punished corporally, by imprisonment or otherwise; and, on the oath of one credible witness, be convicted by one or more justices of the peace, where ever the offender was found; and that such conviction should be final also, and without appeal.

To



To these, or any other expedients, as might be peculiar to the place and subject, I must add, that I should think it might be of use, and, I would further propose, to give something, by way of charitable support, for old fishermen who had used this market, when past their labour, or disabled by accidents; and to the widows of the fishermen, who were, in the judgment of the trustees, objects of relief; and, for this purpose, some provision perhaps might hereafter be made, by a distribution of the \*surplusses, which may arise by several means, as mentioned in the acts. At present these surplusses are applicable only to the putting out apprentices to fishermen; but, if the above charity and relief should be thought expedient, and that it would tend to the encouragement of the fishermen, I would propose, that one third only should be applied, as it is now provided, and the other two thirds, to those purposes I have mentioned.

Under these, or any other encouragements, which may be thought more expedient, if this market could be established, it may become a ready question, as the toll brings in nothing at present, and may bring in but little for some time, how the trustees will be enabled to answer the necessary charges of holding the market, and paying their clerk for attending their meetings. As to this, we may, I think, reasonably hope, if the market is opened again with due encouragement,

\* Of these surplusses, and the application of them, the trustees are to render account yearly to parliament.

couragements, that, after paying the interest out of the ground rent, the remainder, with such part of the toll as may be reserved, will answer these charges of overseer and clerk, and, in case the arrival of the fishing vessels continues to be watched as it now is, there will be a further encrease of entries, and from thence also the market fund will receive some aid. With respect to the incurred debt, it is so well secured, that the mortgagee in all events is safe, and, as long as his interest is paid, he will not complain; if he should want his money, a good security is always transferrable, and he may soon have it. We may also reasonably hope, that, in a few years, the market may be so established, that the number of fishermen attending it, will then be great, and, if so, the toll must proportionably increase, and will no doubt be sufficient, not only to pay the overseer and clerk, but the interest too, and leave a surplus after; and then if the debt should still subsist, a part of the ground rent, if no other way could be found, might be disposed of, to discharge it; but I am in hopes this ground rent will be saved, to help the increase of the surplus for the good purposes intended; however, as the payment of it this way, must depend upon time and future consideration, we must in this case wait the event. In the mean while, I beg leave to close what I have now said with this remark. That hitherto, the expences of endeavouring to establish this market, have been chiefly born by private persons, and amounted to no inconsiderable sum. And, although this was a work of a public nature, it has yet cost the public nothing. And as  
 this



as this debt, which the trust at present labours under, was unavoidably and most necessarily incurred, for carrying the act into execution in this particular; it seems no unworthy object of the public care.

And now, Sir, that I have gone through what I proposed, you will, I am sure, be so candid, as to take it in that good part I intended, which was to give you that light into this affair you desired; if it answers the intent, I have my wish; to which I will add one more, that it may tend to promote, the once more amending of the act; that an effectual stop may be put to present abuses, and the causes prevented for the future; and that this great article of our daily provision may not be subject to the arts of monopolizers and forestallers. And when these amendments come under consideration, that this favourite object may have those for its friends, who will give it due attention and attendance, and and be as assiduous as, I am sure, you will be yourself, in completing this public good.

K

POSTSCRIPT.

# POSTSCRIPT.

SINCE writing the above letter, a piece of information is come to hand, that ought to be made public, by which the fishermen contrive, by means of the well-boats at *Gravesend*, still to keep fish wasting there beyond the time limited by the act. This is done by dividing the holds of these well-boats, or old fishing vessels, into several receivers, with partitions between, and doors in the partitions, for the easier communication with each other; so that when a vessel arrives from fishing, as a part only of the fish is forwarded directly to market, the remainder is put into one of these receivers; and another vessel, two, or three, or more days after, leaves her fish in another receiver of the same boat, and so on, till such receivers are full, and there it is still kept as much beyond the limited time as the fisherman pleases, and when the inspector comes to inspect the well-boat, to see the first fish have been forwarded to market, as it ought, and finds it remaining beyond the time, he is boldly told that the fish he sees there came by the after vessels, and it was only shifted into the place of the first, and does not belong to the first vessel's cargo, although the inspector is, at the same time, well convinced it is a falsity, and yet is not able to come at the truth of it. This baffles his utmost care, and further shews the great necessity there is to prohibit entirely these well-



well-boats, and oblige the fishermen to send the fish directly up to market on its arrival from fishing, or if these boats are to be allowed, no boat should be permitted to take in more than one vessel's fish at a time, nor the fish of any after vessel before that of the first is wholly sent to market.

Besides all this, the fishermen have set their heads at work to avoid the penalty for non-entry, *even in case they are detected*, and have for some time found means to prevail on those who have the charge of making entry of their vessels, when they arrive from fishing, to leave this entry to be made by some waterman, who takes the entring money and enters the arrival upon pieces of paper, which have remained with this waterman, before they have been posted in the entry book, for ten or twenty days, or longer; so that, when the inspector has had occasion to search for any entry, whether made in time, no entry was to be found in the book, though the fisherman had made report of his arrival, and paid the money. Now, to show of what use this is to the fishermen, a strong instance has lately happened. Upon the inspector's proceeding to convict a person for non-entry in time, the waterman, in order to clear the offender, produced his paper, and thereby shewed an entry of a date that brought it within time; this contradicted of course the information made from the searching the book, and, although there was great reason to suspect the waterman's

waterman's paper, nevertheless it was allowed, and was, not only the cause of preventing the conviction, but of the greatest menaces against the inspector himself, who was threatned with no less than an indictment for perjury. It is, therefore, very obvious how much this practice tends to screen the fishermen; every body knows the connexions between the fishermen and these watermen, and therefore it is no wonder if a bad use should be made of such a liberty. However, of the instance mentioned, complaint has been made to such good effect, and such measures taken, as are most likely to prevent this scheme going on for the future.

F I N I S.



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